

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MARCH 7, 1979

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, March 7, 1979 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes, Katnich,
Katzakian,
McCarty and
Pinkerton (Mayor)

Absent: Councilmen - None

Also

Present: City Manager Graves, Assistant
City Manager Glenn, Public Works
Director Ronsko, Community Development
Director Schroeder, Assistant City Attor-
ney C. M. Sullivan, and City Clerk Reimche.

INVOCATION

The invocation was given by Reverend James Holm, Pastor, Vinewood Community Church.

PLEDGE

Mayor Pinkerton led the Pledge of Allegiance to the flag.

MINUTES

Mayor Pinkerton asked to abstain from voting on the approval of the February 21, 1979 Minutes as he was not present at that meeting and could not express his approval as to the accuracy of the Minutes.

On motion of Councilman Katnich, Katzakian second, Council approved the Minutes of February 21, 1979 as written and mailed by the following vote:

Ayes: Councilmen - Hughes, Katnich,
Katzakian, and
McCarty

Noes: Councilmen - None

Absent: Councilmen - None

Abstain: Councilmen - Pinkerton

PUBLIC HEARINGS

STORM DRAINAGE
RETENTION BASIN
PARK C-2 & PRO-
POSED AMENDMENT
TO THE MASTER
STORM DRAINAGE
PLAN RE C-2 BASIN
PUBLIC HEARINGS
CONTINUED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider:

- a) the City Planning Commission's recommendation that the City Council certify as adequate the Final Environmental Impact Report for Storm Drainage Retention Basin Park C-2.
- b) the City Planning Commission's recommendation that the City Council amend the Master Storm Drainage Plan by eliminating Storm Drainage Retention Basin Park C-2, which is proposed for the area bounded by Kettleman Lane on the north, Beckman Road on the east, Cherokee Memorial Park Cemetery on the south and State Highway Route 99 on the west and moving the required storage capacity to Storm Drainage Retention Basin C-1 at the southeast corner of Beckman Road and East Vine Street.

The matter was introduced by City Manager Graves who announced that the City Staff is presently developing a proposed alternate and has requested additional time to refine this proposal.

Following Council discussion, Council, on motion of Mayor Pro Tempore Katzakian, Katnich second, continued the public hearings on the aforementioned matters to 8:00 p.m., Wednesday, April 4, 1979.

REQUEST TO
VACATE PORTION
OF AN EAST-WEST
ALLEY NORTH OF
WEST LODI AVENUE
ON THE EAST SIDE
OF SOUTH HUTCHINS
STREET DENIED

Notice thereof having been published and posted in accordance with law and affidavit of publication and posting being on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider vacating a portion of an east-west alley, north of West Lodi Avenue on the east side of South Hutchins Street.

The matter was introduced by Public Works Director Ronsko who apprised the Council that this alley was originally dedicated in October of 1908 and apparently sometime after that date, underground utilities were installed and the alley constructed. As it turned out, the improvements were not totally within the right-of-way granted. As a consequence, the occupied alley and the dedicated alley are in two different places. A diagram depicting these facts was presented for Council's perusal.

Speaking in support of the proposed vacation was Mr. Maurice O. Ray, Jr., 801 South Fairmont Avenue, Lodi.

Speaking in opposition to the proposed vacation was Mr. Don Campbell, 412 W. Walnut Street, Lodi.

REQUEST TO
VACATE PORTION
OF ALLEY (Cont'd)

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

A lengthy Council discussion followed with questions being directed to Mr. Ray, Mr. Campbell and to Staff.

On motion of Mayor Pro Tempore Katzakian, Hughes second, Council denied the request to vacate a portion of an east-west alley, north of West Lodi Avenue on the east side of South Hutchins Street. The motion carried by the following vote:

Ayes: Councilmen - Hughes, Katnich,
Katzakian, and Pinkerton

Noes: Councilmen - McCarty

Absent: Councilmen - None

PLANNING
COMMISSION

City Manager Graves gave the following report of the Planning Commission meeting of February 26, 1979:

REQUEST TO
VACATE PORTION
OF AN EAST-WEST
ALLEY NORTH OF
WEST LODI
AVENUE ON THE
EAST SIDE OF
SOUTH HUTCHINS
STREET

The Planning Commission -

1. Recommended to the City Council that the request of Mr. Maurice O. Ray, Jr. to abandon a portion of an alley on the east side of South Hutchins Street between West Walnut Street and West Lodi Avenue be denied.

The Commission's recommendation was predicated on its inability to make the finding that no public need existed for the area requested for abandonment. It was the Planning Commission's position that no abandonment should be approved until the City was guaranteed that 20 feet of public right-of-way existed for the alley.

ITEMS OF INTEREST

The Planning Commission also -

1. Denied the request of Mr. Maurice O. Ray, Jr. for a Use Permit to install a boat dock and terrace at 1234 Rivergate Drive (i.e., Lot 46, Rivergate Mokelumne) in an area zoned F-P, Floodplain. In denying the above request the Planning Commission made the following findings:
 - a. that the proposed boat dock was not in conformance to the conditions established at the time of the approval of the Tentative Map of the Rivergate-Mokelumne Subdivision;

ITEMS OF INTEREST
(Cont'd)

- b. that the structure was not in conformance with the City floodplain management program;
- c. that the Commission believes that the Reclamation Board should have proposed environmental documentation before issuance of any permits; and
- d. that the developer of Rivergate-Mokelumne had entered into a contract with the State Division of Fish and Game which provides that the rear 30 feet of all lots would be left in a natural state.

COMMUNICATIONS

CITY SUPPORTS SB110
WHICH WOULD AMEND
BROWN ACT RE
EMERGENCY MEETINGS

City Clerk Reimche presented a letter which had been received from the City of Gridley requesting consideration and support for Senate Bill 110 which would amend the Brown Act to permit City Councils and other public agencies governed by the Brown Act to meet in special emergencies without the usual 24 hour notice, but in a lesser time restraint.

Following Council discussion, on motion of Councilman Katnich, Katzakian second Council directed the City Clerk to forward a letter of support to the City of Gridley and to the sponsor and maker of Senate Bill 110. The motion carried by the following vote:

Ayes: Councilmen - Hughes, Katnich, Katzakian, and Pinkerton

Noes: Councilmen - McCarty

Absent: Councilmen - None

PROCEDURE RE
ADVISING CITIES
& COUNTIES OF
HEARING NOTICES
ON RATE INCREASE
APPLICATIONS

The City Clerk presented a notice which had been received from the Public Utilities Commission regarding procedures to be followed when advising Cities and Counties of Hearing Notices on Rate Increase Applications.

REQUEST REC'D
FOR SUPPORT OF
SB382

The City Clerk presented a letter which had been received from the Northern San Joaquin County Mosquito Abatement District urging support of Senate Bill 382 which would provide needed funding for vector control agencies through the State of California.

APPEAL OF M. RAY
RE USE PERMIT TO
INSTALL A BOAT
DOCK & TERRACE
AT 1234 RIVERGATE
DRIVE

City Clerk Reimche presented an appeal which had been received from Mr. Maurice O. Ray, Jr. of the Lodi City Planning Commission's denial of his request for a Use Permit to install a boat dock and terrace at 1234 Rivergate Drive (i.e., Lot 46, Rivergate Mokelumne) in an area zoned F-P, Floodplain. On motion of Councilman Katnich, Katzakian second, the matter was set for Public Hearing April 4, 1979 at 8:00 p.m.

MUSICAMERICA
REQUESTS USE
OF GRAPE BOWL
FOR ANOTHER
CONCERT

A letter was presented by City Clerk Reimche, which had been received from MusicAmerica, requesting use of the Lodi Grape Bowl for the express purpose of staging another concert. Following discussion, the City Council tacitly determined that it could not respond to MusicAmerica's request until a proposal is received from them listing specific terms and conditions.

LODI
RESOURCE
RECOVERY AND
DISPOSAL CO.
REQUESTS
EXTENSION FOR
SUBMITTING
PROPOSALS

City Clerk Reimche presented a letter which had been received from Mr. Robert J. Mertz, Lodi Resource Recovery and Disposal Company requesting a two week extension for submitting proposals for the City of Lodi Franchise refuse contract.

Speaking on behalf of the request was Mr. Greg Basso of Lodi Resource Recovery and Disposal Company who stated that they need additional information from the City to provide input to their proposal.

Mr. Gene Walton representing Sanitary City Disposal Company addressed the Council stating that the City had been informed that Sanitary City Disposal Company will submit a proposal in a timely manner; and further, that the City's contract with that Company will expire June 30, 1979. Mr. Walton further stressed that he felt it would be grossly unfair to grant this-extension as the City Staff had indicated to him earlier that no extension would be granted.

Following Council discussion, on motion of Councilman Hughes, McCarty second, the request for an extension was denied.

IRIS PARK
EIR

Council received copies of the Final Iris Park Final Environmental Impact Report.

MISCELLANEOUS
PETITIONS
REC'D BY
COUNCIL

Mayor Pinkerton directed the City Clerk to forward to the Community Development Director the following petitions which had been received:

a) Petition reading, "We the undersigned citizens of Lodi are asking the City of Lodi for a law prohibiting avoidable loud noises in general". The petition was signed by approximately 100 persons.

b) Petition signed by approximately 100 persons which reads, "We the undersigned do hereby petition the City of Lodi to rezone our area from R-MD Residential Medium Density apartments to a zone which is existing or may be created that limits the number of new dwelling units permitted on any one lot of 9,000 sq. feet to a maximum of two (2) dwelling units per lot". A diagram of the subject area was attached.

MISCELLANEOUS
PETITIONS REC'D
(Cont'd)

c) Petition by property owners of the 1st block in the Schroeder Tract to "prohibit boat parking on 'our' frontage property exposing it to view (Mr. Davis is the boat owner)."

REPORTS OF THE
CITY MANAGER

CONSENT CALENDAR

Mayor Pro Tempore Katzakian asked to abstain from voting on Agenda Item "f" of the Consent Calendar because of a possible conflict of interest.

In accordance with the report and recommendation of the City Manager, the following actions, hereby set forth between asterisks, on motion of Councilman Katnich, Hughes second, were approved by the Council with Mayor Pro Tempore Katzakian abstaining on the vote on Item "f" entitled, "Approve Sanguinetti Park, Unit #2".

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$554,473.97.

ACCEPTANCE OF
BOILER WITH FUEL
TANK AT PUBLIC
SAFETY BUILDING

Council was apprised that the contract which had been awarded to George F. Schuler, Inc. of Stockton on June 21, 1978 for the Boiler with fuel tank at the Public Safety Building has been completed in substantial conformance with the plans and specifications approved by the City Council.

THE CITY COUNCIL ACCEPTED THE IMPROVEMENTS IN "BOILER WITH FUEL TANK AT THE PUBLIC SAFETY BUILDING" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

ABANDONMENT OF
PORTIONS OF
DORCHESTER CIRCLE

RES. NO. 79-23

The City Council was informed that at its meeting of Monday, June 26, 1978, the Lodi City Planning Commission approved the revised tentative map of English Oaks Manor, particularly as it relates to English Oaks Manor, Unit No. 7. Among the conditions were the following:

1. That the owner of Lot 110, Unit #1 of the English Oaks Manor, indicate in writing that he approves the redesign of the subdivision which will eliminate his access to Century Boulevard;
2. That the developer install street improvements along the Dorchester Circle frontage of English Oaks Commons;

ABANDONMENT
PORTIONS OF DORCHESTER
CIRCLE (Cont'd)

3. That the developer provide curb, gutter, sidewalk and drainage facilities along Century Boulevard in the locations where two partial streets are requested for abandonment.

Based on the above conditions, it is Staff's recommendation that Dorchester Circle be abandoned as requested. The developer is asking that the actual abandonment take place prior to the filing of the final map in order that a parcel map can be filed which will take care of Item 1 above and that the title to the area actually lying in English Oaks Manor, Unit No. 7 be cleared.

COUNCIL ADOPTED RESOLUTION NO. 79-23
AS FOLLOWS:

RESOLUTION DECLARING THE COUNCIL'S INTENTION TO ABANDON PORTIONS OF DORCHESTER CIRCLE IN ENGLISH OAKS NO. 1, SETTING THE MATTER FOR PUBLIC HEARING APRIL 4, 1979, AND REFERRING THE MATTER TO THE PLANNING COMMISSION.

ABANDONMENT OF
EASEMENT - COLONY
RANCH SUBDIVISION

RES. NO. 79-24

Following receipt of a request to abandon a 6-foot public utility easement lying along the east property line of Lot 64 in the proposed Colony Ranch Subdivision, Council adopted the following resolution:

RESOLUTION NO. 79-24

RESOLUTION OF INTENTION TO ABANDON A 6-FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EAST PROPERTY LINE OF LOT 64 IN THE PROPOSED COLONY RANCH SUBDIVISION, SETTING THE MATTER FOR PUBLIC HEARING APRIL 4, 1979, AND REFERRING THE MATTER TO THE PLANNING COMMISSION.

PASSENGER LOADING
ZONE ESTABLISHED IN
AREA OF LOEL CENTER

RES. NO. 79-25

The City Council was advised that the LOEL Center has recently moved their facilities to the southwest corner of Oak Street and Washington Street. With increasing activities at the Center, directors feel there is a need for a passenger zone for the benefit of the aged and handicapped who visit the Center.

RESOLUTION NO. 79-25

RESOLUTION ESTABLISHING A PASSENGER LOADING AND UNLOADING ZONE ON THE WEST SIDE OF WASHINGTON STREET SOUTH OF OAK STREET.

FINAL MAP FOR
SANGUINETTI PARK,
UNIT NO. 2 APPROVED

Council was informed that Aladdin Real Estate, the developers of Sanguinetti Park, Unit No. 2, has furnished the City with the final map and appropriate fees for the industrial area along Sacramento Street between Turner Road and Louie Avenue.

SANGUINETTI PARK
(Cont'd)

The developments and improvements normally required of a subdivision were included in Sanguinetti Park, Unit No. 1 at the request of Aladdin Real Estate, Inc., and as a consequence, no subdivision agreement, bonds, improvement plans or construction is required under this subdivision. Additionally, the extension of electricity can only be properly designed once the intended loads and actual development of the lots are available. At that time, the City of Lodi will enter into an electrical utility agreement with the developers for the extension of power.

COUNCIL APPROVED THE FINAL MAP FOR SANGUINETTI PARK, UNIT NO. 2 ON BEHALF OF THE CITY. (MAYOR PRO TEMPORE KATZAKIAN ABSTAINED FROM VOTING ON THE MATTER BECAUSE OF HIS AFFILIATION WITH ALADDIN REAL ESTATE, THE DEVELOPERS OF SANGUINETTI PARK, UNIT NO. 2).

SUPPLEMENTAL
AGREEMENTS BETWEEN
CITY & STATE ON
STOCKTON-KETTLEMAN
LANE SIGNAL & HARNEY
LANE RAILROAD CROSS-
ING PROTECTION
APPROVED

RES. NO. 79-26

In a report from Public Works Director Ronsko, the City Council was advised that in the City's 1978-79 Capital Improvement Program, the City budgeted \$4,000 for its share of the grade crossing protection to be installed at Harney Lane. Ninety percent of the crossing cost will be funded under a Federal Highway Safety Act Grant and 5% will be funded by the County of San Joaquin since half the crossing is in the County jurisdiction. The City of Lodi has indicated that it will be the lead agency for this improvement. Once the project is constructed, the County of San Joaquin will reimburse the City for 5% of the total cost and all future maintenance costs will be funded by the Public Utilities Commission and the Southern Pacific Railroad. Also included is a project involving the installation of traffic signals and intersection lighting on Kettleman Lane at Stockton Street which will mainly be funded with FAU funds. The future maintenance of this signal will be shared equally between the City of Lodi and the State.

RESOLUTION NO. 79-26

RESOLUTION APPROVING SUPPLEMENTAL AGREEMENTS BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF LODI ON THE STOCKTON-KETTLEMAN SIGNAL AND HARNEY LANE RAILROAD CROSSING PROTECTION.

RECESS

COUNCILMAN KATNICH
EXCUSED FROM
MEETING

Mayor Pinkerton declared a 5-minute recess and the City Council reconvened at approximately 10:00 p.m. Councilman Katnich asked to be excused from the meeting and was subsequently excused by Mayor Pinkerton.

CONSIDERATION RE
CITY PLANNING
COMMISSION'S RECOM-
MENDATION CONCERN-
ING THE AREA ALONG
NORTH CLUFF AVENUE,
EAST OF LOCKEFORD
STREET

Ms. Ann Cerney, Attorney-at-Law, representing Mr. Homer Beldt, Casa de Lodi requested a continuance of two weeks on Agenda item "h", entitled, "Consideration of the City Planning Commission's recommendation concerning the area along North Cluff Avenue, East of Lockeford Street". Ms. Cerney stated that the involved parties are presently in the process of attempting to work out an amicable solution and that this was the reason for the request.

Mayor Pinkerton then inquired of the following persons who were in the audience, if they had objections to the request. Each indicated that they would be willing to go along with the request.

- a) Mr. Gene Walton, Attorney-at-Law, representing Frank Alegre, Alegre Trucking Company.
- b) Mr. Ron Judson, Attorney-at-Law, representing Mr. Ed DeBenedetti.
- c) Mr. Harold Baker, Claude C. Wood Company.

Mr. James D. Boyd, 17429 N. Myrtle Street, Lodi addressed the Council opposing an industrial designation for the subject area.

Mrs. Bob Kettleman, 17601 N. Cluff Avenue, Lodi asked the Council to leave the subject area in its present designation.

Following Council discussion, on motion of Mayor Pro Tempore Katzakian, Katnich second, Council continued the matter to March 21, 1979.

PROPOSED PROCEDURE
FOR ESTABLISHING
RESIDENTIAL PERMIT
PARKING PROGRAMS

A draft procedure for establishing residential permit parking programs was presented for Council's perusal. Following introduction by the City Manager, the proposed document was highlighted by Public Works Director Ronsko.

Mrs. Ben Meidinger, 1022 Laurel Avenue, Lodi addressed the Council reiterating her previous request that permit parking in her area be given consideration. She stated that they are constantly having to shuffle their cars because of the number of cars owned and operated by members of her family.

A very lengthy Council discussion followed with questions being directed to Staff and to Mrs. Meidinger. Mayor Pinkerton, with Council's tacit concurrence, asked that the matter be continued for further review and study at a future Informal Informational Meeting.

5-YEAR CAPITAL STREET
IMPROVEMENT
PROGRAM

A proposed 5-year Street Capital Improvement Program which the Council had discussed at previous meetings was introduced for discussion by City Manager Graves. The Council had been asked to prioritize proposed projects. A preliminary 5-year Street Capital Improvement Program containing this input was presented for Council's perusal. The document was explained in detail by Public Works Director Ronsko. Lengthy discussion followed with questions being directed to Staff. On motion of Mayor Pro Tempore Katzakian, Hughes second, the City Council accepted the preliminary 5-Year Street Capital Improvement Program as presented by the Public Works Director.

APPOINTMENT TO
ADVISORY COMMITTEE
FOR THE 49-99
COOPERATIVE LIBRARY
SYSTEM

On motion of Mayor Pro Tempore Katzakian, Hughes second, the City Council concurred with the Mayor's appointment of Louise M. Zastrow to serve on the Advisory Committee for the 49-99 Cooperative Library System.

ANNUAL AUDIT REC'D
FOR FILING

On motion of Councilman Hughes, Katzakian second, the City Council received for filing Audited Financial Statements and other Financial Information as of June 30, 1978 as prepared by Ernst and Ernst.

AGREEMENT FOR "LODI"
POSTER PANEL ON
HIGHWAY 12 & DeVRIES,
RD. APPROVED

Council was advised that the City of Lodi poster panel on Highway 12 and DeVries Road is up for renewal on April 5, 1979. 3M National Advertising Company has advised that the price for renewal of the contract is \$175.00 per month plus paper costs. It was noted that last year, the cost for 6 stands of paper was \$360.00.

Following discussion, on motion of Councilman Hughes, Katzakian second, Council approved Agreement with National Advertising Company for a "Lodi" poster panel on Highway 12 and DeVries Road at a cost of \$175.00 per month with the condition that the total paper costs not exceed the quoted price of \$360.00 by more than 20%.

COUNSEL FOR PUC
HEARING

Following introduction of the matter by Assistant City Attorney Sullivan, the Council, on motion of Mayor Pro Tempore Katzakian, Hughes second, authorized retaining Mr. Handler of the law firm of Handler, Baker and Green of San Francisco to review documentation regarding the proposed closing of various Lodi railroad crossings, prior to the PUC Hearing, at a cost of approximately \$500.00.

TRANSFER OF FUNDS TO
SEWER FUND APPROVED

The City Council, on motion of Mayor Pro Tempore Katzakian, Pinkerton second, approved a Special Allocation in the amount of \$18,200 to cover the necessary salaries, fringe benefits for the one Maintenance Worker transferred to the White Slough Water Pollution Control Plant Facility.

APPROVAL OF
REPLACEMENT WELL
LOCATION ANALYSIS

City Manager Graves requested approval of a Special Allocation in the amount of \$2500.00 to conduct a computer analysis to optimize the eventual replacement of Wells 1, 3, and 6. The cost of the analysis includes:

1. An update of the computer model developed by TYA as part of the 1976 Water System Analysis and Master Plan Reevaluation. The update is needed to: a) add mains installed in the last three years, and b) change pump data to account for the work done under the Drought Relief Program and fall in the water table.

2. Evaluation of possible well sites. The City will identify a number of possible sites and the analysis will select the optimum hydraulic location. The possibility of replacing the three wells with two will be explored also. This would cut approximately \$150,000 from the cost of replacing three wells.

On motion of Mayor Pro Tempore Katzakian, Hughes second, Council approved a Special Allocation for a study for the eventual replacement of Water Wells 1, 3, and 6 at a cost not to exceed \$2500.00.

PERSONNEL
REPLACEMENTS
AUTHORIZED

Following introduction of the matter by City Manager Graves, on motion of Mayor Pro Tempore Katzakian, Pinkerton second, Council authorized the hiring of an Assistant Planner to fill the vacancy created by the resignation of Gregory C. Freitas.

Following introduction of the matter by the City Manager, Council, on motion of Mayor Pro Tempore Katzakian, Hughes second, authorized the hiring of three police officers to fill current Police Department vacancies.

PASSION PROCESSION
REQUEST

City Manager Graves announced that he is presently working with a group of Mexican-Americans who have requested permission to hold a "Passion Procession" in the downtown area on several forthcoming dates. Meetings and discussions have been held with downtown merchants and bank and church officials regarding this matter.

ADJOURNMENT

There being no further business to come before the Council, on motion of Mayor Pro Tempore Katzakian, Hughes second, Mayor Pinkerton adjourned the meeting at approximately 11:30 p. m.

Attest:


ALICE M. REIMCHE
CITY CLERK